

## Chapter 6

### CEMETERIES\*

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\* **Charter References:** Authority of council to enact ordinances relative to establishment and maintenance of cemeteries, § 5.8.  
**State Law References:** Cemeteries, M.S.A., Ch. 55; burial, removal permit, M.S.A., §§ 14.226, 14.230.

Constitution reference--Authority of city to maintain, etc., cemeteries, Art. VII, § 23.

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#### **Sec. 6-1. City cemeteries designated.**

The cemeteries established and maintained either within or without the city by the city of which plats are on file in the office of the city clerk, shall be known as the city cemeteries.

#### **Sec. 6-2. City manager--General powers, duties.**

The city manager, subject to the regulations of the city council, shall have the management, supervision, care and improvement of city cemeteries. It shall be his duty to employ such assistants or laborers as may be necessary to properly care for and improve such cemeteries.

#### **Sec. 6-3. Same--Laying out lots, etc.; filing plats.**

The city manager shall, if necessary, cause city cemetery grounds to be laid out in lots and walks, cause the lots to be numbered and the avenues and walks therein to be named, and plats thereof to be made. When approved by the city council, such plats shall be filed in the office of the city clerk.

#### **Sec. 6-4. Council to fix lot price.**

The city council shall fix the price of lots in the city cemeteries.

#### **Sec. 6-5. Purchase of cemetery lot.**

Any person desiring to purchase a lot in any city cemetery shall make application to the city clerk and, if such application shall be granted, the applicant shall pay the required amount for the lot selected to the treasurer, and upon filing a receipt therefor with the city clerk the deed to such lot shall be duly executed and delivered on behalf of the city.

#### **Sec. 6-6. Duties of clerk, manager with respect to sales.**

The city clerk shall attend to the selling of city cemetery lots. All deeds to lots shall be executed on behalf of the city by the city manager and the city clerk. The city clerk shall keep proper records in which the deeds to any such lots shall be recorded at length when duly executed and acknowledged according to law. The city clerk shall certify upon every such instrument the date of its registration.

#### **Sec. 6-7. Recording fee.**

Every person offering any conveyance of a city cemetery lot for record shall pay to the city clerk a recording fee of one dollar (\$1.00), which sum shall be turned into the city treasury and credited to the cemetery fund.

#### **Sec. 6-8. Lots held subject to provisions of chapter, other rules.**

All city cemetery lots shall be held subject to this chapter, and such rules and regulations as may be from time to time adopted by the city council.

#### **Sec. 6-9. Where interment to be performed.**

No person shall inter or cause to be interred the remains of any deceased person anywhere in the city except in a city cemetery or in a cemetery controlled by a religious society or corporation organized and equipped for that purpose.

**Sec. 6-10. Permit required for interment, disinterment, reinterment.**

No remains of any body shall be interred in any public or private cemetery unless a burial permit is submitted by the funeral director to the sexton of the cemetery. No remains may be disinterred for reburial in another cemetery unless a "disinterment and reinterment permit" is submitted to the local sexton of the cemetery where the body is interred. A "disinterment and reinterment permit" is not required if the body is to be reburied in the same cemetery.

**Sec. 6-11. Interment record to be kept.**

The city manager shall cause to be kept a register of all interments made in any city cemetery. Each entry shall include the name of the deceased, age, and the date and place of interment.

**Sec. 6-12. Manager to collect fees; paid into cemetery fund.**

The city manager shall charge and collect on behalf of the city such fees for work performed in the city cemeteries as may be from time to time fixed by the city council. All such fees shall be paid into the city treasury, and credited to the cemetery fund.

**Sec. 6-13. Digging, filling grave.**

It shall be the duty of the city manager, when requested by a licensed funeral director having supervision of the burial of any deceased person entitled to burial within a city cemetery, to cause an employee of the city, within a reasonable time, to dig a grave of suitable dimensions and to cause the remains to be buried therein.

**Sec. 6-14. Who may perform work in cemetery.**

No person other than an employee of the city acting under the direction of the city manager shall dig or open any grave, nor shall any person grade or fill in any lot in any city cemetery unless such work be done under the supervision of the employee in charge of such cemetery.

**Sec. 6-15. Trespassing, removing flowers, etc. from cemetery.**

No person shall commit trespass or do any act upon the grounds of any city cemetery which shall amount to a desecration of such cemetery. No person shall pick or cut flowers or shrubs except on his own lot, or cut down or disturb any tree within any city cemetery without the permission of the city manager.

**Sec. 6-16. Money for perpetual care to go into trust fund; taxation.**

All sums of money which are paid into the city treasury for the perpetual care and preservation of cemetery lots, or any monuments, tombs, headstones, markers, urns or other property used in connection therewith shall constitute a trust fund which may be used by the city council as provided in section 5.9 of the city charter for city purposes. If such funds are used, the city council shall annually place in the budget and raise by taxation four (4) per cent upon such trust fund which shall be used and expended seasonably each year so as to accomplish the purpose of those paying or giving money, and add to the appearance of said cemetery, and for no other purpose whatever.

**Sec. 6-17. Cemetery board of trustees created; duties; officers.**

The members of the city council, together with the city manager and the city treasurer, are hereby constituted a board of trustees of any cemetery trust funds paid into the city treasurer, including interest on investments. They shall be known as the "Trustees of the City of Midland Cemetery Trust Fund" and their duties shall be to supervise the investment of such funds and to see that the interest thereon is applied to the purpose for which it is intended. The mayor shall be the chairman and the city clerk shall be the clerk of such board of trustees.

#### Sec. 6-18. Cemetery trust fund internal control.

All sums used by the city from the cemetery trust funds shall be treated as loans from the trustees of the city cemetery trust fund, and shall be evidenced by nonnegotiable notes of the city duly executed in its behalf running to such board of trustees, payable on demand. Such notes, if not paid, shall be renewed at least once in every three (3) years. All such funds, until otherwise used in accordance with the provisions of this chapter, shall be kept by the treasurer in a bank account separate and apart from other city funds. The bond required of the treasurer shall cover all such funds. All investments, whether in notes of the city or otherwise, shall be made upon order of the city council by proper resolution. The city clerk shall keep an accurate record showing from whom such funds are received, the amounts thereof, in each instance, the amount of interest received and the purposes for which it is used.

#### Sec. 6-19. City council to make cemetery rules.

The city council shall from time to time by resolution make such rules and regulations for the burial of the dead, the care, management and protection of the grounds, monuments and appurtenances of the city cemeteries and for the public use and orderly conduct of persons visiting such cemeteries, as it may deem necessary.

#### Sec. 6-20. Cemetery rates, charges and fees.

The rates, charges and fees for cemetery space and services are as follows:

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|--|-----------------|---------------------|--|
| (1) <i>Purchase prices (single grave rates):</i> | <i>Resident</i> | <i>Non-resident</i> |  |
| (a) Adult space, standard section                | \$ 525.00       | \$ 785.00           |  |
| (b) Adult space, flush marker section            | 460.00          | 690.00              |  |
| (c) Infant space, Little Shepherd                | 155.00          | 235.00              |  |
| (d) Cremation space                              | 120.00          | 180.00              |  |
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|---|-----------|-----------|--|
| (2) <i>Perpetual care (added to interment cost when not previously paid):</i> |           |           |  |
| (a) Adult space, standard section   | \$ 175.00 | \$ 262.50 |  |
| (b) Adult space, flush marker section   | 155.00    | 232.50    |  |
| (c) Infant space, Little Shepherd   | 52.50     | 80.00     |  |
| (d) Cremation space   | 40.00     | 60.00     |  |
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|------------------------------------|--------------------|----------------------|-----------------|
| (3) <i>Interment/disinterment:</i> | <i>Regular Fee</i> | <i>After 4:00 pm</i> | <i>Saturday</i> |
| (a) Adult                          | \$ 485.00          | 575.00               | 830.00          |
| (b) Child (3'-5' length)           | 345.00             | 435.00               | 690.00          |
| (c) Infant (2'-3' length)          | 220.00             | 310.00               | 565.00          |
| (d) Inurnment (Cremation)          | 125.00             | 215.00               | 470.00          |
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|---|----------|--|--|
| (4) <i>Indigent grave space:</i>  |          |  |  |
| (a) Adult   | \$ 80.00 |  |  |
| (b) Infant/child  | 60.00    |  |  |
| (c) Any resident who is indigent will have one grave space on a Terrace Lot available at a cost of \$80 for an adult and \$60 for an infant/child with waiver of the perpetual care fee. Indigent interment charges will prevail. Limitations on stone placement shall apply in accord with Section 6-20(4)(d).   |          |  |  |
| (d) Monuments or markers shall be permitted upon the graves of persons buried under special rates for indigent status if either of the following occurs: (1) a veterans marker is provided by the government, or (2) an additional payment to the City equal to the balance of cost for an adult space in a standard section for an adult, or the balance of cost for an infant space in Little Shepherd section for an infant, plus interment and perpetual care fees prevailing at the time of Interment. |          |  |  |
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|--|-----------|--|--|
| (5) <i>Indigent Interment/Disinterment</i> |           |  |  |
| (a) Adult or Child                         | \$ 200.00 |  |  |
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|------------------------------------|-----------|--|--|
| (6) <i>Foundation fees:</i>        |           |  |  |
| (a) Minimum Charge (< 300 sq. in.) | \$ 120.00 |  |  |

(b)	Cost/square inch (> 300 sq. in.)	0.40
(c)	Aprons cost/square inch	0.15
(d)	Removals cost/square inch	0.15

(7) *Deeds*

(a)	Duplicate deeds	\$ 15.00
(b)	Transfer of deeds	15.00

(Ord. No. 1377, § 1, 5-12-97; Ord. No. 1491, § 1, 11-13-00; Ord. No. 1545, § 1, 10-28-02)